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STATE OF CALIFORNIA
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

In the Matter of:

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|-----------------------------------|---|--------------------------|
| ALLAN JOHN SPROVIERI A.K.A. ALLEN | } | ADMINISTRATIVE DECISION |
| JOHN SPROVIERI A.K.A. A. J. | | ORDER SETTING LIABILITY |
| SPROVIERI; M.E. SPROVIERI, | | CIWMB NO: 2005-010917-AC |
| INDIVIDUALLY; AND AUSTRAK | | |
| CORPORATION A.K.A.: AUSTRAK | | |
| INTERNATIONAL TRANSPORT | | |
| TPID NO: 1004949-01 | | |
| Respondents. | | |

The California Integrated Waste Management Board ("CIWMB") served an Administrative Complaint and Request for Hearing form on ALLAN JOHN SPROVIERI A.K.A. ALLEN JOHN SPROVIERI A.K.A. A. J. SPROVIERI; M.E. SPROVIERI, INDIVIDUALLY; AND AUSTRAK CORPORATION A.K.A.: AUSTRAK INTERNATIONAL TRANSPORT, RESPONDENTS, on July 27, 2005. RESPONDENTS did not file a Request for Hearing. The matter shall be determined as a default pursuant to Government Code section 11520. The CIWMB takes action against the RESPONDENTS based upon evidence and affidavits that may be used without any notice to the RESPONDENTS.

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FACTUAL FINDINGS

1. The Administrative Complaint was executed by WENDY BRECKON, Staff Counsel, CIWMB, acting in her official capacity.

2. RESPONDENTS, ARE responsible for the transportation of waste tires by a person not holding a valid waste tire hauler registration from the CIWMB.

3. On October 6, 1999, RESPONDENTS first became registered as a Waste Tire Hauler with the CIWMB.

4. In October 2004, the CIWMB Waste Tire Hauler Registration & Manifest Program sent the 2005 renewal notification to AUSTRAK CORPORATION a.k.a. AUSTRAK INTERNATIONAL TRANSPORT to renew their registration for the 2005 calendar year.

5. On January 14, 2005, the CIWMB Waste Tire Hauler Registration & Manifest Program cancelled AUSTRAK CORPORATION a.k.a. AUSTRAK INTERNATIONAL TRANSPORT for failing to renew the waste tire hauler registration for the 2005 calendar year. A cancellation letter was sent to AUSTRAK CORPORATION a.k.a. AUSTRAK INTERNATIONAL TRANSPORT at their mailing address of 10281 S.E. Mather Road, Clackamas, Oregon 97015, advising them of this cancellation.

6. On February 15, 2005, staff of the CIWMB Waste Tire Hauler Registration & Manifest Program contacted Austrak Corporation and informed them not to haul waste tires until such time as their application for waste tire hauler registration is approved for the 2005 Calendar year.

7. On May 4, 2005, a further review by CIWMB staff indicated that AUSTRAK CORPORATION a.k.a. AUSTRAK INTERNATIONAL TRANSPORT continued to haul waste or used tires since being cancelled in Janaury 2005. Staff identified at least eighteen (18) manifests that were submitted to the CIWMB showing this waste tire hauler continued to haul waste tires.

LEGAL CONCLUSIONS

8. RESPONDENTS are in violation of PRC section 42951, which makes it unlawful, on or after January 1, 1995, to engage in the transportation of waste tires unless holding a

1 valid Waste Tire Hauler Registration, unless exempted as specified in PRC section 42954.

2 9. The CIWMB's authority to assess civil penalties against RESPONDENTS as a
3 waste tire hauler, is set forth in PRC section 42962 and in Title 14 of the California Code of
4 Regulations section 18464.

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6 10. Pursuant to 14 California Code of Regulations section 18464, the waste and
7 used tire hauler penalty tables, provide that the requested penalty of \$36,000 (Thirty-six
8 Thousand Dollars) is within CIWMB's discretion.

9 11. No evidence of mitigation, extenuation or rehabilitation is offered.

10 **ORDER**

11 Good cause appearing, Complainant's motion to take action in accordance with the
12 provisions of Government Code Section 11520, subdivision (a) is granted.

13 THE FOLLOWING ORDER is hereby made:

14 RESPONDENTS, ALLAN JOHN SPROVIERI A.K.A. ALLEN JOHN SPROVIERI A.K.A.
15 A. J. SPROVIERI; M.E. SPROVIERI, INDIVIDUALLY; AND AUSTRAK CORPORATION
16 A.K.A.: AUSTRAK INTERNATIONAL TRANSPORT, are ordered to pay an administrative
17 penalty of \$36,000.00 (Thirty-six Thousand Dollars) to the California Integrated Waste
18 Management Board within 30 (thirty) days of the date of this decision.

19 This DECISION shall become effective August 16, 2005.

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22 _____
23 ROSARIO MARIN
24 Chair
25 California Integrated Waste Management Board
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DATED: 8.16.05